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Attorney Docket No. ITI-169

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	KEVAN C. TAYLOR	RECEIVED 21 JAN 1997 Legal Staff International Division
Serial No.:	08/604,975	
Filed:	March 25, 1996	
International Application No.:	PCT/GB94/00995	
International Filing Date:	9 May 1994	
For:	LINING OF PIPELINES OR PASSAGEWAYS	

Date: January 20, 1997

**SECOND SUPPLEMENTAL SUBMISSION IN SUPPORT OF
RENEWED PETITION UNDER 37 C.F.R. § 1.47(b)
IN RESPONSE TO DECISION ON PETITION
PURSUANT TO 37 C.F.R. § 1.47(b) DATED 12 JULY 1996**

Assistant Commissioner for Patents
Box PCT
Washington, D.C. 20231

Attention: PCT Legal Office

S I R:

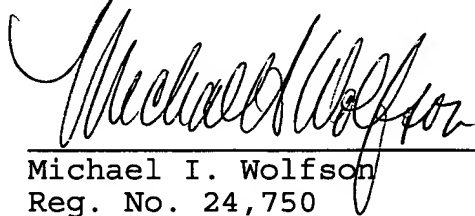
This Second Supplemental Submission In Support Of Renewed Petition is submitted along with my Declaration to report to the PCT Legal Office of the return to us by Federal Express of our letter of December 11, 1996 forwarded to Mr. Taylor.

We have received no communication from Mr. Taylor to date, despite the multiple attempts to reach him. This included a first class mailing on December 17, 1996 and the opening by someone at his League City, Texas address who received the Federal Express package on his behalf.

In view of the efforts outlined herein, in the Supplemental Submission of January 10, 1997, the Renewed Petition of December 12, 1996 and the original Petition of March 25, 1996, it is respectfully submitted that Insituform should be permitted to prosecute this application pursuant to 37 C.F.R. §1.47(b).

Early and favorable action to grant this Petition is earnestly solicited.

Respectfully submitted,

A handwritten signature in cursive script, reading "Michael I. Wolfson". The signature is written in dark ink and is positioned above a horizontal line.

Michael I. Wolfson
Reg. No. 24,750
Attorney for Petitioner and
37 C.F.R. § 1.47(b) Applicant
COWAN, LIEBOWITZ & LATMAN, P.C.
1133 Avenue of the Americas
New York, New York 10036-6799
(212) 790-9200

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Serial No.:	08/604,975
Filed:	March 25, 1996
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RECEIVED

21 JAN 1997

**Legal Staff
International Division**

**SECOND SUPPLEMENTAL DECLARATION OF MICHAEL I. WOLFSON
IN SUPPORT OF RENEWED PETITION UNDER 37 C.F.R. § 1.47(b)**

Assistant Commissioner for Patents
Box PCT
Washington, D.C. 20231

Attention: PCT Legal Office

S I R:

MICHAEL I. WOLFSON, hereby declares as follows:

1. This Second Supplemental Declaration supplements my Supplemental Declaration of January 9, 1997 filed by hand on January 10, 1997.

2. This morning, I received a telephone message left on Friday evening, January 17, 1997 from Federal Express with respect to the delivery to Kevan Taylor on December 12, 1996 of my letter of December 11, 1996. The message indicated that the apartment manager at Mr. Taylor's League City, Texas address has returned the letter to the Federal Express courier saying that the person had

moved out and they do not know where he went. The material was being returned to me on Airbill No. 312 3402 096.

3. This morning I received from Federal Express that package bearing Airbill No. 312 3402 096. Enclosed in the package was the original of my December 11, 1996 letter, the application Declaration and Assignment together with the pre-paid airbill addressed to myself. A copy of the envelope delivered to me and the enclosures are annexed as Exhibit A.

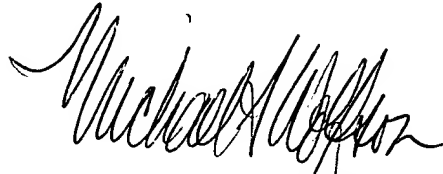
4. This material returned to me today is the original material I forwarded to Mr. Taylor on December 11, 1996. My original package was opened by someone on behalf of Mr. Taylor and one month later given to a Federal Express courier in Texas and returned to me. This was under a Federal Express airbill and not the pre-paid airbill included with my letter as shown in Exhibit A which was returned to me.

5. This is further evidence that we have made a diligent effort to reach Mr. Taylor at his last known addresses in England and here in the United States to no avail.

6. In order to avoid the loss of any valuable rights to Insituform, it is respectfully requested that the Petition Under 37 C.F.R. 1.47(b) should be granted.

7. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under

Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.



MICHAEL I. WOLFSON

Date: New York, New York
January 20, 1997

The World On Time

FedEx

Federal Express

STANDARD OVERNIGHT
17JAN97 17:21
Trk 312 3402 096
Form 0001 PAK
EHR
Deliver By: 20JAN97
10036-NY-US
NC NYC



FedEx. USA Airbill Tracking Number **3123402096** **FedEx Retrieval Copy** 170 500 72261160 6337H

1 From
Date 1-17 Sender's FedEx Account Number 1302-7432-3

Sender's Name _____ Phone _____
City _____ State _____ Zip _____
Company FDX/GLS STATION

Address 312 TANGLEWOOD

City DICKENSON State TX Zip 75139

2 Your Internal Billing Reference Information RTM 8494755835

3 To
Receiver's Name Michael Wolfson
Company Courtesy Liebowitz Litman
Address 1133 Ave of Americas / 36th floor
City New York State NY Zip 10036

4 Express Package Service Packages under 150 lbs.
☐ FedEx Priority Overnight ☒ FedEx Standard Overnight ☐ FedEx 2Day
☐ Next Business Day

5 Express Freight Service Packages over 150 lbs.
☐ FedEx Overnight Freight ☐ FedEx 2Day Freight ☐ FedEx Express Saver Freight
☐ FedEx Freight ☐ FedEx Freight ☐ FedEx Freight

6 Packaging ☐ FedEx ☒ FedEx ☐ FedEx ☐ Other
☐ Box ☐ Tube ☐ Pkg

7 Special Handling
Does this shipment contain dangerous goods? ☐ Yes ☒ No
☐ Dry Ice ☐ Fragile ☐ Other

8 Payment
Bill ☒ Sender ☐ Recipient ☐ Third Party ☐ Credit Card ☐ Other

9 Release Signature

For HULD at HULD Location check here
Total Packages 1 Total Weight 10.036




Exhibit A

Cowan, Liebowitz & Latman, P.C.

LAW OFFICES

1133 Avenue of the Americas • New York, NY 10036-6799

Telephone (212) 790-9200 • Internet law@cll.com • Fax (212) 790-9300

Michael I. Wolfson
Direct (212) 790-9201
miw@cll.com

December 11, 1996

FEDERAL EXPRESS and EXPRESS MAIL

Mr. Kevin C. Taylor
501 Davis Road #H201
League City, TX 77573

Re: U.S. Application Serial No. 08/604,975
Based on International Patent Application
No. PCT/GB94/00955
LINING OF PIPELINES AND PASSAGEWAYS (Short-Tee Repair)
Insituform (Netherlands) BV
Our Ref. ITI-169 (20107.69)

Dear Mr. Taylor:

We have been unsuccessful in reaching you after several attempts in order to have you sign the United States Declaration and Assignment in connection with this United States Application. This application is the United States national phase application based on your British and PCT applications filed in the United Kingdom relating to your Short-Tee Repair development.

In view of our inability to reach you after several attempts to your Knight Lane address in Memphis and your last known in the United Kingdom, we filed the application under Rule 47(b). This Rule permits the owner of an application to file the application without the inventor's signature if it has been unable to reach the inventor after diligent effort. We believe we have made this diligent effort. However, today we learned that you have utilized this League City address in a mortgage application and a verification of employment was sent to Insituform Technologies in Memphis in October of this year.

Our earlier efforts to reach you included letters to your Knight Lane address on February 9, 1996, August 23, 1996 and again on October 4, 1996. As noted, several attempts were also made by Andrew Donlon to contact you at Neweys Hill, Worcester. All these efforts to reach you have been unavailing.

Cowan, Liebowitz & Latman, P.C.

December 11, 1996

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In view of our obligation to make a diligent effort to obtain your signature, we enclose a new Declaration and Assignment for your signature. Please insert your address and sign and date the Declaration at page 2. Please sign the Assignment and have it notarized. Only the Assignment need be notarized.

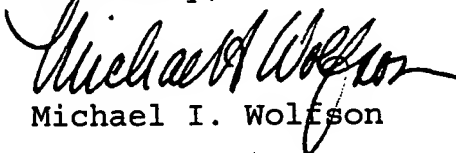
We have enclosed prepaid Federal Express and Express Mail air bills to facilitate your returning the signed documents to us.

If you have any questions concerning any of these documents or the procedures we have followed in connection with this application, please feel free to contact us by collect call.

Please give this matter your prompt attention so that we can promptly advise the United States Patent and Trademark Office whether you have signed the application declaration or whether the Patent Office must make a decision to proceed pursuant to Rule 47(b).

Thank you for your cooperation with this matter.

Sincerely,



Michael I. Wolfson

cc: Insituform Technologies, Inc.
Memphis, Tennessee

DECLARATION, POWER OF ATTORNEY AND PETITION

As an officer of the owner of the invention and Agent of the below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe that the below named inventor is the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

IMPROVEMENTS RELATING TO THE LINING OF PIPELINES OR PASSAGEWAYS

the specification of which is attached hereto and was filed on 9 May 1994 as PCT/GB94/00995 and is based on an application filed in the British Patent Office as British Application No. 9319832.3 on 25 September 1993 and filed in the United States Patent and Trademark Office as Serial No. 08/604,975 on March 25, 1996.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, Section 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

Prior Foreign Applications				
(Number)	(Country)	Day/Month/Year	Yes	No
9319832.3	Great Britain	25 Sept 1993	X	
PCT/GB94/00995	Great Britain	9 May 1994	X	

I hereby claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Section 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of the application.

(App Ser No)

(Filing Date)

(Status)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that

these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

And I hereby appoint Michael I. Wolfson, Reg. No. 24,750, William H. Dippert, Reg. No. 26,723, R. Lewis Gable, Reg. No. 22,479, Morey B. Wildes, Reg. No. 36,968 and Regan L. Trumper, Reg. No. 38,345, correspondence address:

MICHAEL I. WOLFSON
Cowan, Liebowitz & Latman, P.C.
1133 Avenue of the Americas
New York, New York 10036

Telephone: (212) 790-9200

my attorney with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

Wherefore I pray that Letters Patent be granted for the invention or discovery described and claimed in the foregoing specification and claims, and I hereby subscribe my name to the foregoing specification and claims, declaration, power of attorney, and this petition.

FULL NAME OF INVENTOR KEVAN CHARLES TAYLOR	CITIZENSHIP Great Britain
RESIDENCE	
POST OFFICE ADDRESS	
AGENT'S SIGNATURE	DATE

ASSIGNMENT OF UNITED STATES PATENT APPLICATION

WHEREAS, KEVAN CHARLES TAYLOR, a citizen of Great Britian and last residing at _____, is the inventor of the improvements and invention described in the PCT Application No. PCT/GB94/00995 filed 4 May 1994 and British application filed in the British Patent Office as application number 9319832.3 on 25 September 1993 for LINING OF PIPELINES AND PASSAGEWAYS, and filed in the U.S. Patent and Trademark Office concurrently herewith.

WHEREAS, Insituform (Netherlands) B.V., a coproration organized under the laws of The Netherlands and Delaware, having its principal office at West Blaak 6, 3rd Floor, 3012KK, Rotterdam, The Netherlands, hereinafter referred to as ASSIGNEE, is desirous of acquiring the entire right, title and interest in, to and under the improvements and invention described in PCT Application No. PCT/GB94/00995 and the United States National Phase application Serial No. 08/604,975 from ASSIGNOR.

NOW, THEREFORE, in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration paid by ASSIGNEE to ASSIGNOR, the sufficiency and receipt of which is hereby acknowledged, ASSIGNOR hereby transfers and assigns to ASSIGNEE the entire right, title and interest in, to and under the improvements and invention described in the United States National Phase application based on PCT/GB94/00995 filed in the U.S. Patent and Trademark Office and all continuations, divisionals, substitutes, renewals and reissues thereof; and

ASSIGNOR covenants that he has full rights to convey the entire interest herein assigned, and has not executed, and will not execute, any agreement in conflict herewith; and

ASSIGNOR further authorize the Commissioner of Patents and Trademarks of the United States, to record ownership in the U.S. national phase application based on U.S. PCT Application No. PCT/GB94/00995 as the property of ASSIGNEE; and

ASSIGNOR further covenants and agrees that he will communicate to the ASSIGNEE, its successors, legal representatives and assigns, any facts known to it respecting the improvements, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing and reissue applications, make all rightful oaths and generally do everything possible to aid the ASSIGNEE, its successors, legal representatives and assigns, to obtain and enforce proper patent protection for the improvements.

IN WITNESS WHEREOF, ASSIGNOR has subscribed hereto, this ____ day of December, 1996.

KEVAN CHARLES TAYLOR

On this ____ day of December 1996 before me came KEVAN CHARLES TAYLOR to me known and known to me to be the individual described in, and who executed the foregoing instrument, and he has acknowledged to me that he has executed the same.

Notary Public

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1 From (please print)
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Sender's Name **COMAN LIEBOWITZ LATMAN** Phone **212-790-9200** Dept./Room

Company **COMAN LIEBOWITZ LATMAN** Address **1133 AVE OF AMER** City **NEW YORK** State **NY** Zip **10036**

City **NEW YORK** State **NY** Zip **10036**

2 Your Internal Billing Reference Information (Optional) (First 24 characters will appear on invoice) **20107.69**

3 To (please print) Recipient's Name **Michael Wolfson** Phone Dept./Room

Company **Cowan, Liebowitz & Latman** Address **1133 Avenue of The Americas** City **New York** State **NY** Zip **10036**

City **New York** State **NY** Zip **10036**

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